

1 THOMAS F. KOEGEL (SBN 125852)
tkoegel@crowell.com
2 NATHANIEL P. BUALAT (SBN 226917)
nbualat@crowell.com
3 CROWELL & MORING LLP
275 Battery Street, 23rd Floor
4 San Francisco, California 94111
Telephone: 415.986.2800
5 Facsimile: 415.986.2827
6 CHRISTOPHER FLYNN (admitted *pro hac vice*)
cflynn@crowell.com
7 CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
8 Washington, D.C. 20004-2595
Telephone: (202) 624-2500
9 Facsimile: (202) 628-5116

10 JENNIFER S. ROMANO (SBN 195953)
jromano@crowell.com
11 CROWELL & MORING LLP
515 South Flower Street, 40th Floor
12 Los Angeles, California 90071
Telephone: (213) 622-4750
13 Facsimile: (213) 622-2690

14 Attorneys for Defendants
UNITED HEALTH-CARE INSURANCE COMPANY
15 and UNITED BEHAVIORAL HEALTH

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 DAVID AND NATASHA WIT, on behalf
of themselves and all others similarly
20 situated, and BRIAN MUIR, on his own
behalf and on behalf of all others similarly
situated,

21 Plaintiffs,

22 v.

23 UNITEDHEALTHCARE INSURANCE
24 COMPANY and UNITED BEHAVIORAL
25 HEALTH (operating as OPTUMHEALTH
BEHAVIORAL SOLUTIONS),

26 Defendants.

27 Case No. 3:14-CV-02346-JCS

28 **STIPULATION AND [PROPOSED]
ORDER REGARDING (1) DEADLINES
FOR PLAINTIFFS' FILING OF
AMENDED COMPLAINT AND
DEFENDANTS' RESPONSE TO
AMENDED COMPLAINT, (2) SETTING
BRIEFING SCHEDULE FOR ANY
RESPONSIVE MOTION, AND (3)
RESCHEDULING INITIAL CASE
MANAGEMENT CONFERENCE AND
RULE 26 DEADLINES**

[Civil L. R. 6-1; 6-2; 16-2(e)]

1 WHEREAS, on May 21, 2014, Plaintiffs David Wit, Natasha Wit, and Brian Muir
 2 (collectively “Plaintiffs”) filed a complaint (“Complaint”) against Defendants United Healthcare
 3 Insurance Company and United Behavioral Health (collectively “Defendants”);

4 WHEREAS, on May 28, 2014, Plaintiffs served on Defendants the summons and
 5 Complaint;

6 WHEREAS, on June 16, 2014, the parties filed a Stipulation and [Proposed] Order, which
 7 (i) set the deadline for Defendants’ responses to the Complaint for July 18, 2014, set the deadline
 8 for Plaintiffs’ response to any motions filed by Defendants to August 18, 2014, set the deadline
 9 for any reply brief filed by Defendants to September 3, 2014, set a hearing for September 26,
 10 2014 and (ii) rescheduled the Initial Case Management Conference and the deadlines imposed by
 11 Federal Rules of Civil Procedure, Rule 26;

12 WHEREAS, on June 18, 2014, the Court entered an order adopting the schedule set forth
 13 in the parties’ June 16, 2014 Stipulation;

14 WHEREAS, after June 18, 2014, Defendants determined that there were both factual and
 15 legal bases to respond to the complaint by filing a Motion to Transfer Venue and a Motion to
 16 Dismiss;

17 WHEREAS, on July 18, 2014, Defendants filed a Motion to Transfer Venue and a Motion
 18 to Dismiss;

19 WHEREAS, the parties, through their respective counsel, conferred electronically and
 20 telephonically between July 21 and 25, 2014, to discuss (i) Plaintiffs’ intent to file an amended
 21 complaint, (ii) the impact of an amended complaint on the pending Motion to Dismiss and
 22 Motion to Transfer Venue, (iii) the inefficiencies that could be created by adherence to the
 23 previously suggested and approved schedule; (iv) a schedule that would efficiently and
 24 expeditiously allow for resolution of Defendants’ pending Motion to Transfer Venue and any
 25 motion filed in response to Plaintiffs’ proposed amended complaint; and (v) Rule 26 deadlines;

26 WHEREAS, Defendants intend to keep the pending Motion to Transfer Venue on
 27 calendar with the existing briefing and hearing schedule. Defendants, however, reserve the right
 28 to withdraw the pending Motion to Transfer and file a new motion to transfer, if warranted based

1 on new allegations in Plaintiffs' amended complaint. Defendants do not agree that any new
 2 motion to transfer venue that may be filed by them will be subject to any briefing or hearing
 3 schedule set forth below; and

4 WHEREAS, the parties accordingly have agreed, subject to the approval of the Court, on
 5 the following schedule for the filing of an amended complaint and any responses to it, the Initial
 6 Case Management Conference, and Rule 26 deadlines, and the parties have also agreed to leave
 7 the existing briefing and hearing schedule for Defendants' pending Motion to Transfer Venue
 8 unchanged:

9 **IT IS HEREBY STIPULATED AND AGREED** that, subject to the approval of the
 10 Court:

11 1. Except with respect to the briefing and hearing schedule for Defendants' pending
 12 Motion to Transfer Venue, which are set forth in the paragraphs below, the dates and deadlines
 13 set forth in the current case schedule shall be vacated;

14 2. Plaintiffs shall have until August 18, 2014 to file (i) an amended complaint and (ii)
 15 any opposition to Defendants' pending Motion to Transfer Venue;

16 3. Defendants shall have until September 3, 2014 to file their reply to any opposition
 17 to Defendants' pending Motion to Transfer Venue filed by Plaintiffs;

18 4. Defendants shall have until September 10, 2014 to file their responses to the
 19 amended complaint (excluding any new motion to transfer venue);

20 5. The hearing for Defendants' pending Motion to Transfer Venue shall remain set
 21 for September 26, 2014 at 2:00 PM;

22 6. Plaintiffs shall have until October 10, 2014 to file their opposition to any motion
 23 Defendants file in response to the amended complaint (excluding any new motion to transfer
 24 venue);

25 7. Defendants shall have until October 31, 2014 to file their reply in further support
 26 of any motion they file in response to the amended complaint (excluding any new motion to
 27 transfer venue);

28 8. The hearing for any motion filed by the Defendants in response to the amended

1 complaint shall be on November 14, 2014 at 2:00 PM (excluding any new motion to transfer
2 venue);

3 9. The last day for the parties to conduct their Rule 26(f) Conference shall be
4 September 26, 2014;

5 10. The last day to exchange initial disclosures under Rule 26(a)(1) and file a Rule
6 26(f) Report shall be October 10, 2014;

7 11. The last day to file a Case Management Statement shall be November 7, 2014; and

8 12. The Initial Case Management Conference shall be continued from September 26,
9 2014, to November 14, 2014 at 2:00 p.m.

10 Dated: July 25, 2014

CROWELL & MORING LLP

12 /s/ Nathaniel P. Bualat

13 Christopher Flynn
14 Jennifer D. Romano
15 Nathaniel P. Bualat

Attorneys for Defendants

16 UNITED HEALTH-CARE INSURANCE COMPANY
and UNITED BEHAVIORAL HEALTH

17
18 Dated: July 25, 2014

ZUCKERMAN SPAEDER LLP

19 /s/ Jason S. Cowart

20 D. Brian Hufford
21 Jason S. Cowart

22 Attorneys for Plaintiffs

DAVID AND NATASHA WIT and BRIAN MUIR

23 //
24 //
25
26
27
28

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: July 25, 2014

/s/ Nathaniel P. Bualat
Nathaniel P. Bualat

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Except with respect to the briefing and hearing schedule for Defendants' pending Motion to Transfer Venue, which are set forth in the paragraphs below, the dates and deadlines set forth in the current case schedule shall be vacated;
 2. Plaintiffs shall have until August 18, 2014 to file (i) an amended complaint and (ii) any opposition to Defendants' pending Motion to Transfer Venue;
 3. Defendants shall have until September 3, 2014 to file their reply to any opposition to Defendants' pending Motion to Transfer Venue filed by Plaintiffs;
 4. Defendants shall have until September 10, 2014 to file their responses to the amended complaint (excluding any new motion to transfer venue);
 5. The hearing for Defendants' pending Motion to Transfer Venue shall remain set October 3, 2014 at 9:30 AM. - JCS
for ~~September 26, 2014 at 2:00 PM.~~
 6. Plaintiffs shall have until October 10, 2014 to file their opposition to any motion Defendants file in response to the amended complaint (excluding any new motion to transfer venue);
 7. Defendants shall have until October 31, 2014 to file their reply in further support of any motion they file in response to the amended complaint (excluding any new motion to transfer venue);
 8. The hearing for any motion filed by the Defendants in response to the amended complaint shall be on November 14, 2014 at 2:00 PM (excluding any new motion to transfer

1 venue);

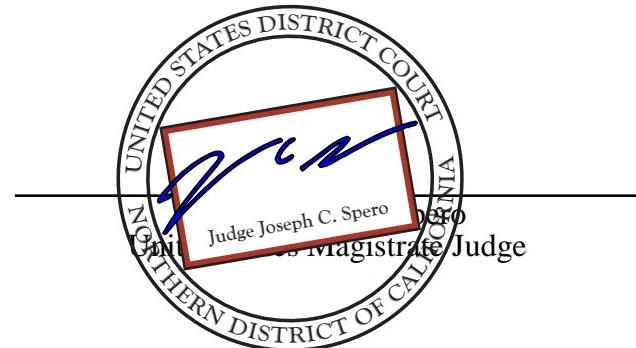
2 9. The last day for the parties to conduct their Rule 26(f) Conference shall be
3 September 26, 2014;

4 10. The last day to exchange initial disclosures under Rule 26(a)(1) and file a Rule
5 26(f) Report shall be October 10, 2014;

6 11. The last day to file a Case Management Statement shall be November 7, 2014; and

7 12. The Initial Case Management Conference shall be continued from September 26,
8 2014, to November 14, 2014 at 2:00 p.m.

9
10 Dated: 7/29, 2014



11
12
13 SFACTIVE-903381986.2

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28